

April 17, 2001

Mr. Jim Tomich
Supervising Engineer
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Subject: Major Facility Review Permit Application No. 17349
Ox Mountain Sanitary Landfill, Plant #A2266
Half Moon Bay, California

Dear Mr. Tomich:

Below please find our comments on the Bay Area Air Quality Management District (BAAQMD) Draft Major Facility Review Permit for the Ox Mountain Sanitary Landfill (OMSL), dated March 21, 2001. The OMSL is owned and operated by Browning-Ferris Industries of California, Inc. (BFI).

GENERAL COMMENTS

It appears that the BAAQMD has set forth additional monitoring, reporting, and/or recordkeeping requirements in the Major Facility Review (Title V) permit for the Ox Mountain Sanitary Landfill (OMSL) that do not exist in current Permits-to-Operate (PTO's) for the site and are not required by applicable regulations. In several instances, the justification provided for modifying the existing PTO conditions is so that the OMSL Title V permit will be more consistent with other Title V permits issued in the District. We do not agree with this logic and believe that it is inconsistent with previous permitting approaches in the BAAQMD. Each landfill site is a unique air pollution source and should be treated as such. Permit conditions that are appropriate at one site may not be reasonable for a second site. It has been our understanding that Title V permits were not intended to create new regulatory requirements; rather they were just to compile all existing requirements into one site-wide permit. Therefore, BFI hereby requests that the BAAQMD provide adequate regulatory justification for all changes made to existing PTO conditions and any newly created requirements. In addition, we request a discussion as to why these requirements were not previously placed in PTO's for the site and why the development of a Title V permit necessitates their creation.

Standard Conditions

Part J provides a reference to Table II-A of the Title V permit (under Section II. Equipment), which contains maximum allowable capacities for various on-site sources. For Source S-1 (the landfill), a capacity limit is established for the maximum design capacity of the landfill (37.9 million cubic yards or 25.5 million tons); however, it is unclear whether this is a refuse limit or an air space limit. Part J would appear to indicate that the limit provided is for refuse capacity since only waste materials are listed under the "make or type" column of Table II-A. Part 2 of Condition #10164 (under Section VI. Permit Conditions) is also unclear on this issue. BFI hereby requests that the Title V permit be revised to clarify this issue. Based on our Solid Waste Facility Permit, OMSL is permitted to accept up to 37.9 million cubic yards of refuse. Therefore, the Title V permit should be revised to reflect this fact.

Table II-A also contains capacity limits for the 2 on-site blowers. Landfill gas (LFG) blowers do not produce regulated emissions, and, therefore, should not be subject to capacity limits in a Title V permit. The New Source Performance Standards (NSPS) and Regulation 8, Rule 34 require that a landfill maintain adequate gas mover equipment in order to handle the maximum amount of recoverable LFG at the site. These regulations present a situation where blowers must at times be upgraded to meet NSPS/Rule 34 requirements. The presence of a capacity limit for blowers would necessitate a modification to the Title V permit for any changes to blower capacity even though such changes would not increase emissions or change any applicable requirements. It would also be an obstacle to mitigating regulatory exceedances under the NSPS/Rule 8-34, for which modifications to the LFG collection and control system (GCCS) are necessary. BFI hereby requests that the capacity limit for the LFG blowers be removed from Table II-A.

Part K indicates that the Chemical Accident Prevention Provisions of 40 Code of Federal Regulations (CFR) Part 68 is applicable to the OMSL. BFI disagrees with this interpretation of the regulation and requests that this part be removed from the Title V permit. 40 CFR 68 regulates facilities, which store and/or use certain toxic and flammable materials in quantities above specified threshold amounts. BFI knows of no regulated toxic or flammable materials present on-site in quantities exceeding the regulatory thresholds. Furthermore, the applicability of 40 CFR 68 to landfill sites has already been discussed with the U.S. Environmental Protection Agency (EPA), who indicated that the 40 CFR 68 program was clearly not intended for landfill sites. BFI is aware of no instances where 40 CFR 68 has been listed as an applicable requirement within a Title V permit for a municipal landfill in any other jurisdiction in the country, including other jurisdictions in EPA Region 9.

Equipment

Table II-B indicates that the on-site enclosed ground flares (abatement devices A-4, A-5, and A-6) shall burn LFG exclusively. Please note that propane is burned in the flare for lighting the flare pilot during start-up. Table II-B would appear to disallow this occurrence. Therefore, BFI requests that the Title V permit be revised to allow the combustion of LFG and propane during start-up and for lighting the flare pilot.

Source-Specific Requirements

Tables IV-A and IV-F indicate that many of the requirements of Rule 8-34 are not federally enforceable even though they are based on federal NSPS requirements. BFI understands that these requirements cannot be listed as federally enforceable until the EPA approves the newest version of Rule 8-34. However, we believe that it should be made clear in the Title V permit that these requirements, and any other requirements awaiting State Implementation Plan (SIP) approval, will become federally-enforceable when the EPA issues SIP approvals for the various rules. This would provide additional clarity to the permit and avoid administrative modifications in the future. It is our understanding that this technique has been used for other Title V permits.

Permit Conditions

Condition #10164---

Parts 14 and 15 include revisions to the existing PTO for the OMSL, removing the requirement that a minimum number of extraction wells be maintained in the Upper and Lower Canyons at the site. Parts 14 and 15 also require an Authority to Construct (ATC) be obtained for increasing or decreasing the number of wells listed in Part 20 or significantly changing any existing wells. BFI feels that this requirement is very restrictive and will hinder our ability to comply with the repair schedules for wellhead or landfill surface excesses, as required by 8-34-414 and 415. If modifications to existing wells and/or the installation of new wells are required to achieve compliance with 8-34-414 or 415, BFI would be faced with a situation where we could be found non-compliant with 8-34-414 or 415 while waiting for issuance of an ATC. In the 120-day time frame required to meet the repair schedules, the following events would have to occur (with some being dependent on the results of the others): (1) engineering study, (2) development of design plans and specification, (3) preparation of an ATC application, (4) review of that application by the BAAQMD, (5) issuance of an ATC, (6) bidding and awarding of the construction project, (7) purchase of equipment (if a new flare is needed, the lead time could be over 3 months alone), (8) installation of new LFG system

components, (9) start-up of system, and (10) retesting to determine if compliance has been achieved. All of this would have to be accomplished in 120 days, or we would be out of compliance with Rule 8-34 and the NSPS. Because of this, instead of the restrictive requirement present in Parts 14 and 15, BFI requests that the part be revised to re-establish a minimum number of LFG extraction wells that must be operated on-site, as is contained in the existing PTO. We would then be allowed to add new wells or modify existing wells without requiring changes to the PTO or Title V permit for the site, which would significantly decrease the administrative burden on BFI and the District. BFI would agree to a requirement to notify the BAAQMD (in writing) as to any additional wells that have been added. In our opinion, it would be in everyone's best interest to create a Title V permit that allows the Permit Holder to expediently make changes to the LFG system to address compliance issues.

Part 16 of Condition #10164 for S-1 indicates that wells shall not be shut-off, disconnected, or removed from service unless compliance with Sections 113, 116, 117, and/or 118 of Rule 8-34 are met. BFI would like to recommend a revision to this part to allow wells to be shut-off, disconnected, or removed from service if such a practice is allowed in the LFG collection and control system (GCCS) design plan approved for the facility under 8-34-408 or if a less than continuous operation petition is filed and approved under 8-34-404.

Part 18 contains a newly added sulfur monitoring (in raw LFG) requirement that is being required to demonstrate compliance with Rule 9-1. We cannot locate where Rule 9-1 contains requirements to conduct monitoring for sulfur dioxide. Also, the frequency of monitoring also appears to be overly stringent. Compliance monitoring for other emission parameters, such as nitrogen oxides (NOx) and carbon monoxide (CO), is only required to be demonstrated as part of an annual source test. BFI requests that this requirement be conducted as part of an annual source test, consistent with other criteria pollutant emissions. Please note that the California Air Resources Board (CARB) in its periodic monitoring guidance indicates that sulfur sampling/analysis at landfills should occur quarterly to annually.

Parts 19 and 20: While we appreciate the Districts efforts to rewrite these parts in the February 6, 2001 correspondence, we are uncomfortable with the formula which assumes 100% volatility of contaminated soils within one hour of reaching the landfill. We propose that 53% be used instead of 100% for calculating the emissions rates. Also, Part 20.k. is incorrect. Contaminated soil is clearly not a decomposable waste. Soil, even with high petroleum hydrocarbon content, does not anaerobically degrade to create any significant quantities of methane. Therefore, it should not be included the amount of decomposable waste for compliance with the NSPS and Rule 34 or for estimating emissions.

Part 22 contains the flare destruction efficiency requirement from the NSPS, but excludes an allowance for a flare outlet concentration of non-methane organic compounds (NMOCs) of 20 parts per million by volume (ppmv) as hexane. This part also appears contradictory to the requirement of Rule 8-34, which only allows an outlet concentration of 30 ppmv as methane (about 5 ppmv as hexane). Both requirements should be listed in Part 22 for clarity, with a notation that the more stringent Rule 8-34 requirement will supercede the NSPS requirement on July 1, 2002. Also, the federal enforceability element to each requirement would have to be included.

Part 23 of Condition #10164 for S-1 revises the current permit condition for minimum flare temperature to that contained within the NSPS; however, the language in Part 23 is confusing. The phrases "flue gas temperature" and "combustion temperature" appear to be used to represent different temperature readings for the flare; however, it is unclear if this was intended. The minimum temperature requirement appears to be established based on NSPS requirements, which allow flexibility for operating a flare at or slightly below the temperature from the most recent source test where the destruction efficiency requirement was met. The inclusion of the original 1200°F temperature limit completely eliminates the flexibility allowed by the NSPS. It would seem that achieving the required organic compound destruction efficiency at the lowest temperature possible would be in the BAAQMD's best interest since it would result in a reduction of thermally-derived NOx emissions while having no adverse effect on organic emissions. Please note that the NSPS allows temperatures to go 28°C below the most recent tested temperature, which equates to approximately 82.4°F. BFI cannot identify the regulatory basis of the 50°F reduction in temperature that is being allowed by Part 23. In summary, BFI requests that Part 23 be revised to contain a temperature requirement that mimics the NSPS.

Condition #16315---

The OMSL has removed Source S-13 from service and will not be processing green waste (Source S-12) under the facilities Permit to Operate. Therefore these conditions should be removed from this facilities permit.

Condition #16316---

The OMSL has removed Source S-13 (Tub Grinder and Conveyor) from service and therefore this source should be removed from this facilities permit.

Condition #16317-

The OMSL has removed Source S-14 (Diesel Engine for S-13 Tub Grinder) from service and therefore this source should be removed from this facilities permit.

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Applicable Limits and Compliance Monitoring Requirements

Please note that several of the above permit changes will affect the requirements contained within Tables VII-A through VII-D. We therefore request that these tables be revised to reflect the above changes.

Many of the applicable limits and compliance monitoring requirements from the NSPS and Rule 8-34 (e.g., wellhead requirements, unsafe areas exempt from surface emissions monitoring, etc.) can be modified by an approved GCCS design plan, which proposes alternatives to these requirements. As such, BFI requests that a general condition be added to the introduction prior to the table stating this fact and allowing alternative methods, when approved by the APCO and/or the EPA, as appropriate.

Test Methods

Many of the regulatory requirements applicable to the Ox Mountain site allow the proposal of alternate test methods for use in compliance monitoring and testing. This is especially true of the NSPS where a variety of alternate test methods have been proposed and approved by EPA (e.g., field testing in lieu of EPA Method 3A or 3C for oxygen and nitrogen at the wellhead). As such, BFI requests that a general condition be added to the introduction prior to Table VIII stating this fact and allowing alternative methods, when approved by the APCO and/or the EPA, as appropriate.

If you have any questions, please contact Jim Gunderson at (650) 726-1819 or myself at (925) 458-9800.

Sincerely,



Lochlin M. Caffey
Environmental Manager
Ox Mountain Sanitary Landfill

cc: Jim Gunderson / OMSL
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